

Remarks

No new matter has been added by way of these amendments. Applicant believes that the application is now in condition for allowance. Accordingly, favorable reconsideration in light of the following remarks is respectfully requested.

Applicant note that the Office Action indicated that the listing of references in the specification was not considered to be a proper information disclosure statement. In response, applicant submits herewith an Information Disclosure Statement along with the appropriate fee.

The closure device of claim 1 has been amended so that the slider is defined to include a back plate and first and second sidewalls and the separator depends from the back plate and wherein the position of the separator is fixed relative to the positions of the first and second sidewalls. Claims 16 and 17 have been amended likewise. In Claim 16, the first and second slider sidewalls are distinguished from the first and second sidewalls that form the compartment. Support for the amendment is found, for example, in Figure 7 where the back plate is identified by reference number 220 and the sidewalls are identified by the reference number 222 and the accompanying description on page 8 lines 16-31. The same slider features are also shown in the other drawings, however, Figure 1, for instance, does not specifically identify the back plate and sidewalls by reference numbers.

The separator's position is also fixed relative to the sidewalls regardless of where the slider is along the x axis. For example, Figure 3 shows the slider in one position along the x axis wherein the separator 143 deoccludes the fastening strips 130, 131. (See page 6 lines 15-20.) Figure 6 shows the slider near the first end 127 another position along the x axis where the flange portions of the fastening strips have altered flange portions 153, 163. As is apparent, in both cases the position of the separator is the same relative to the positions of the sidewalls. (See page 6 lines 26-33.)

The zipper slider pivoting wedge disclosed in Stolmeier et al. is structurally and operationally different from the that of the claimed closure device. Stolmeier et al employs a slider with a pivoting separator tab which pivots downward to disengage the interlocking profile features and to open the bag when the slider is moved in the bag-opening direction. When the slider is moved in the opposite (i.e., bag-closing) direction, the separator is cammed upward by the strips that are attached to the bag walls until the separator rides atop the strips and the tapering walls of the slider squeeze the interlocking profile features together thereby closing the bag. See Stolmeier et al. at col. 1 lines 44-52. In addition, when the slider is in the bag-closed end stop position, the separator tab (34) projects into notches (37,38) locating in

the strip upper flanges. Stolmeier et al. states that this serves to limit the movement of the slider in the bag opening direction. See Stolmeier et al. at col. 3 lines 23-40.

As is apparent, the claimed closure device uses a different technique, that does not require a separator that pivots or is otherwise not stationary relative to the sidewalls of the slider, to create leakproof bags. Specifically, with the claimed invention, the first fastening strip includes a first flange portion that extends inward toward the second fastening strip and a first altered flange portion near the first (closed) end of the first fastening strip. In this fashion, the altered flange portion effectively breaks the cooperation between the flanges and the separator and thereby prevent leakage from the bag.

Claims 1-10, 13, 14, 16, and 17 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,871,281 to Stolmeier, et al.

Stolmeier, et al. is said to teach a closure device, comprising: first and second interlocking fastening strips arranged to be interlocked over a predetermined x axis between first and second ends, the fastening strips being secured together at the first and second ends; a slider slidably disposed on the fastening strips for movement between the first and second ends, the slider facilitating occlusion of the fastening strips when moved towards the first end, the slider including a separator for facilitating the deocclusion of the fastening strips when the slider is moved towards the second end; the first fastening strip includes a first flange portion which extends inward toward the second fastening strip; and first altered flange portion defined by the notches near the first end of the first fastening strip that receive the separator.

With respect to claims 5-8 and 10, the Office Action indicated that method steps of “flattening” and “removing” did not create a finished article of a different structure than that shown by Stolmeier, et al. and the device of Stolmeier, et al. is fully capable of having the final product structure created by a flattening or removal of material.

Applicant submits that, for the reasons stated above, amended independent claims 1 and 16 define a closure device and container, respectively, that include structural features that are not disclosed or suggested by the cited reference. Specifically, the claimed slider includes a separator whose position is fixed relative to that of the slide first and second sidewalls. Similarly, claim 17 which is directed to a method of manufacturing the closure device also defines novel and non-obvious subject matter.

Claims 11-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,871,281 to Stolmeier, et al. in view of U.S. Patent 5,664,299 Porchia, et al.

Stolmeier, et al. is said to teach a closure device as stated above but where the closure elements are not both U-channel elements. It was reasoned however that Porchia, et al. taught that it is conventional to utilize interengaging U-channel elements so as to better secure the fastening strips together and therefore it would have been obvious to modify the closure device of Stolmeier, et al. so that the closure elements are both U-channel elements.

Applicant submit that even if Porchia et al. teaches the art as suggested by the Examiner, the secondary reference does cure the deficiencies of Stolmeier, et al. as stated above.

Claim 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,871,281 to Stolmeier, et al. in view of U.S. Patent No. 5,007,143 to Herrington.

Stolmeier, et al. is said to teach the closure device as stated above but with closure elements that are not rolling action type fastening strips. It was reasoned however that Herrington taught that it is conventional to utilize interengaging rolling action type elements so as to better secure the fastening strips together and therefore it would have been obvious to modify the closure device of Stolmeier, et al so that the closure elements are rolling action type elements.

Applicant submit that even if Herrington teaches the art as suggested by the Examiner, the secondary reference does cure the deficiencies of Stolmeier, et al. as stated above.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subjection application, the Examiner is invited to called the undersigned attorney.

Respectfully submitted,

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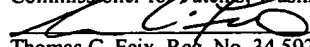
In re Appln. of Savicki, Alan F.
Application No. 10/049,319

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor(s): Alan F.Savicki

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For: CLOSURE DEVICE

Examiner: J.R.Brittain

AMENDMENTS TO CLAIMS
MADE IN RESPONSE TO OFFICE ACTION DATED

Amendments to existing claims:

1. (Amended) A closure device, comprising:

first and second interlocking fastening strips arranged to be interlocked over a predetermined x axis between first and second ends, the fastening strips being secured together at the first and second ends;

a slider slidably disposed on the fastening strips for movement between the first and second ends, the slider facilitating occlusion of the fastening strips when moved towards the first end, the slider including a separator for facilitating the deocclusion of the fastening strips when the slider is moved towards the second end wherein the slider has a back plate and first and second sidewalls and the separator depends from the back plate and the separator's position is fixed relative to the positions of the first and second sidewalls; and

the first fastening strip includes a first flange portion which extends inward toward the second fastening strip, a first altered flange portion near the first end of the first fastening strip.

16. (Amended) A container comprising:

first and second sidewalls to form a compartment with an opening;

first and second interlocking fastening strips respectively connected to the first and second sidewalls at the opening, the fastening strips being arranged to be interlocked over a predetermined x axis between the first and second ends, the fastening strips being secured together at the first and second ends;

a slider slidably disposed on the fastening strips for movement between the first and second ends, the slider facilitating occlusion of the fastening strips when moved towards the first end, the slider

including a separator for facilitating the deocclusion of the fastening strips when moved towards the second end wherein the slider has a back plate and first and second slider sidewalls and the separator depends from the back plate and the separator's position is fixed relative to the positions of the first and second slider sidewalls; and

the first fastening strip includes a first flange portion which extends inward toward the second fastening strip, a first altered flange portion near the first end of the first fastening strip.

17. (Amended) A method of manufacturing a closure device, comprising:

providing first and second interlocking fastening strips arranged to be interlocked over a predetermined X axis between first and second ends, the fastening strips being secured together at the first and second ends;

providing a slider slidably disposed on the fastening strips for movement between the first and second ends, the slider facilitating occlusion of the fastening strips when moved towards the first end, the slider including a separator for facilitating the deocclusion of the fastening strips when the slider is moved towards the second end wherein the slider has a back plate and first and second sidewalls and the separator depends from the back plate and the separator's position is fixed relative to the positions of the first and second sidewalls; and

providing the first fastening strip includes a first flange portion which extends inward toward the second fastening strip, a first altered flange portion near the first end of the first fastening strip.